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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,088	12/08/2000	Herbert Herzog	12020-0003	4580

7590                    09/25/2003

Clark & Brody  
1750 K Street NW Suite 600  
Washington, DC 20006

EXAMINER
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ANGELL, JON E

ART UNIT	PAPER NUMBER
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1635

DATE MAILED: 09/25/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/719,088	HERZOG, HERBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	J. Eric Angell	1635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 July 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3-5,7,10 and 26-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 3-5,7,10 and 26-33 is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 08 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chris Brody on 9/16/03.

The application has been amended as follows:

Page 6, lines 31-32, which reads:

"Map of the Human Genome)([http://www-genome.wi.mit.edu/cgi-bin/contig/phys\\_map](http://www-genome.wi.mit.edu/cgi-bin/contig/phys_map)) in conjunction with The Genome Directory (Adams," has been replaced with:

GJ  
- Map of the Human Genome)(World Wide Web URL: genome.wi.mit.edu/cgi-bin/contig/phys\_map) in conjunction with The Genome Directory (Adams, --

Claim 6 has been cancelled without prejudice.

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Claim 10, lines 1-2, the phrase "including a polynucleotide" has been replaced with:

-- including the polynucleotide --

Claim 26 line 1, the phrase "a polynucleotide" has been replaced with:

-- the polynucleotide --

Claim 27, line 1, the phrase "A host cell" has been replaced with:

-- The host cell --

and also in claim 27, line 1, the phrase "wherein the cell" has been replaced with:

-- wherein said host cell --

Claim 28, line 1, the phrase "A host cell" has been replaced with:

-- The host cell --

and also in claim 28, line 1, the phrase "wherein the cell" has been replaced with:

-- wherein said host cell --

Claim 29, line 1, the phrase "A host cell" has been replaced with:

-- The host cell --

and also in Claim 29, line 1, the phrase "wherein the cell" has been replaced with:

-- wherein said host cell --

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Claim 30, line 1, the phrase "a plasmid" has been replaced with:

-- the plasmid --

Claim 31, line 1, the phrase "A host cell" has been replaced with:

-- The host cell --

and also in Claim 31, line 1, the phrase "wherein the cell" has been replaced with:

-- wherein said host cell --

Claim 32, line 1, the phrase "A host cell" has been replaced with:

-- The host cell --

and also in Claim 32, line 1, the phrase "wherein the cell" has been replaced with:

-- wherein said host cell --

Claim 33, line 1, the phrase "A host cell" has been replaced with:

-- The host cell --

and also in claim 33, line 1, the phrase, "wherein the cell" has been replaced with:

-- wherein said host cell --

***Ex Parte Quayle***

This application is in condition for allowance except for the following formal matters:

The Application is not in compliance with the Sequence Rules (see 37 CFR 1.821).

Specifically, Figures 1 and 4 contain polypeptide sequences which have not been assigned appropriate sequence identifiers (SEQ ID NOS.). It is noted that the addition of the sequence identifiers (SEQ ID NOS) may be added to the brief description of the figures or to the figures themselves. It does not appear that all of the sequences of Figure 1 are listed on the Sequence Listing. All sequences requiring sequence identifiers must be listed in the Sequence listing and present on the CRF disk. If the sequences are not present on the CRF disk then the submission of a new CRF disk and Sequence listing (and a statement indicating that no new matter is added) is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Eric Angell whose telephone number is (703) 605-1165. The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on (703) 308-0447. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

J. Eric Angell  
Art Unit 1635



DAVE T. NGUYEN  
PRIMARY EXAMINER